

**FILED**

UNITED STATES COURT OF APPEALS

NOV 13 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

KENNETH LYNN MOORE,

Plaintiff - Appellant,

V.

BILL LOCKYEAR, Attorney General for  
the State of California THOMAS  
ORLOFF, District Attorney for the County  
of Alameda JOE FABINY,

Defendants - Appellees.

No. 06-15016

D.C. No. CV-04-01952-MHP

Northern District of California,  
San Francisco

**MANDATE**

The judgment of this Court, entered 09/26/08, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

By: Rhonda Roberts  
Deputy Clerk